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In re United States Patent of
F. John HERRINGTON

Serial No. 10/657,201

Filed: September 9, 2003

For: COUPLING MEANS FOR MULTI-WALLED PIPES OR TUBES

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:Group Art Unit: 3679

:Examiner: Eric K. NICHOLSON

RESPONSE**FILED BY FACSIMILE 1 703 872 9306**

Honorable Commissioner of Patents
PO BOX 1450
Alexandria, VA 22313-1450

Sir:

This paper is being submitted in response to the office action dated March 22, 2005. It is not believed that any petition for extension of time to respond to this action is required in order to maintain the pendency of this application. However, if an extension of time is required, kindly consider this to be a petition therefore. It is not believed that any fee is due with the filing of this response. However, if there is any fee that is due, kindly charge the same to the undersigned attorney's deposit account 50-3406.

The examiner's restriction requirement is respectfully traversed. All of the claims of the instant application are directed to the same invention. Although it is clear that the several claims of this application fall into different statutory classes, they are all directed to the same invention. That invention is directed to providing means to couple together two lengths of a specially designed pipe, the thus coupled pipe lengths and apparatus for carrying out this method to produce this product. Thus, since all of the claims are directed to the same invention, albeit in different statutory forms, the restriction requirement is traversed and the examiner is requested to withdraw the same. As is required by the MPEP, applicant provisionally elects to immediately prosecute claims directed to the product of this invention. At present, these claims are numbered

1-15. However, for the reasons pointed out below, the patentability of all of the claims of this application should be considered together.

The examiner has stated that the inventions of claims 1-15 is distinct from the invention of claims 16-37 because the product of claims 1-15 can be made by a process that is materially different from the process being claimed in claims 16-37. In support of this position, the examiner asserts that the claimed product could be made by a process that does not require softening or cooling of the single wall. That assertion by the examiner is respectfully traversed and disagreed with.

The product claims call for joining together two specially designed pipes. Each of these pipes has multiple (preferably 2) walls that are radially spaced apart. The radial space between these walls contains a plurality of rib members that support these walls and maintain their spacing. These ribs also form truss cells that substantially increase the strength of the dual wall pipe without corresponding increase in the weight of the pipe.

The examiner has asserted that this claimed assembly of these specially designed pipes could be made without "...softening or cooling of the single wall." While the opinion of the examiner is respected, it is not seen that there is any support for this assertion. How would the end of the dual walled pipe be converted into a single wall pipe portion without softening the end of the pipe, and how would the softened end portion of the pipe be maintained in its required position without cooling the end portion of the dual walled pipe? It is not enough that the examiner makes an assertion that the claimed pipe combination could be made by a method other than the one claimed in the method claims. The examiner must also support the assertion with some credible means of accomplishing what has been asserted.

It is therefore clear that the product of claims 1-15 can only be made by the method of claims 16-37 and that carrying out the method of claims 16-37 will only produce the product of claims 1-15. This is the antithesis of restrictable subject matter. It is urged that the examiner reconsider his position and withdraw the restriction requirement as to claims 1-37.

The examiner has tried to support the restriction between the subject matter of method claims 16-37 and apparatus claims 38-55 by asserting that the claimed apparatus requires certain elements that are not required by the process claims. The examiner therefore asserts that the process can be carried out with some different apparatus or the apparatus can be used to carry out some different method. That position is respectfully traversed.

Careful consideration of the claimed apparatus will clearly show that using this apparatus in its intended manner will merely carry out the claimed process/method. Of course, the apparatus could be used for a different purpose. It could be used as bookends or as a paper weight. It could even be used as ballast for a vessel. However, if the apparatus is operated in the manner intended and clearly set forth, its operation will carry out the claimed process. Similarly, practicing the process will necessarily require an apparatus to do so. The process requires the softening of the inner or outer walls of the dual wall tube. That necessarily requires the heating of the wall such that a person could not handle this element without severely burning himself. Thus, an apparatus is required in order to carry out the claimed method. That apparatus is claimed in claims 38-55. Therefore, the claimed apparatus is uniquely adapted to carry out the claimed method; the claimed method is uniquely suited to be performed using the claimed apparatus; and the claimed product is the result of carrying out the claimed method using the claimed apparatus.

It is urged that the examiner reconsider his restriction requirement and withdraw the same as to the subject matter of claims 1-55.

The Examiner has characterized the subject matter of claims 56-63 as being directed to a mold device and that this device is patentably distinct from the product of claims 1-15, the method of claims 16-37 and the apparatus of claims 38-55. The examiner's position is respectfully traversed. It is certainly true that claims 56-63 are directed to a mold device. However, this mold device is specifically directed to be used for outwardly collapsing and inner tube portion of a dual walled pipe so as to convert the end portion of the pipe from a dual wall structure to a single walled structure. If the mold of claims 57-63 is inserted into the end of a dual wall moldable pipe and is expanded outwardly while it is heating/molding the end portion

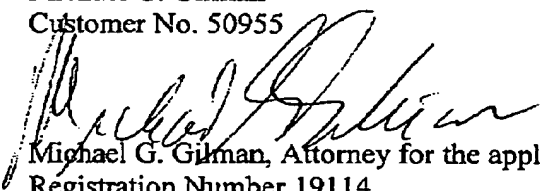
of the dual wall pipe, it will convert the dual wall structure into a single wall structure having a larger inside diameter and the same outside diameter as the dual wall pipe had. This is the female end of the coupled dual wall pipes set forth in claims 1-15. If, on the other hand, the mold structure of claims 57-63 is placed about the end of a dual wall pipe and collapsed inwardly while it is heating the end of the dual wall pipe, it will convert the dual wall structure into a single wall structure having a smaller outside diameter and the same inside diameter as the dual wall pipe had. This is the male end of the coupled dual wall pipe that is set forth in claims 1-15. This male end is inserted into the female end of the next adjacent dual wall pipe to form the coupled pipes of claims 1-15. Thus, this molding apparatus of claims 56-63 is specifically designed to carry out the process of claims 16-37 as part of the apparatus of claims 38-55. To applicant's knowledge this molding element would have no other substantial use, and some of the species of product being claimed in claims 1-15 could only be made by using this mold or some other molding apparatus as claimed in claims 38-55.

In sum, then, it is urged that the examiner reconsider and withdraw the restriction requirement, or at least parts of it.

The following attorney's signature certifies that this paper was filed in the Patent and Trademark Office by facsimile transmission on the date set forth.

Respectfully submitted:

Intellectual Property Law Offices of
Michael G. Gilman
Customer No. 50955



Michael G. Gilman, Attorney for the applicant;
Registration Number 19114

5522 Riva Ridge Drive
Wesley Chapel, FL 33544
Voice (813) 991 9801
FAX (813) 907 8396

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